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Letter dated 17 February 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 17 February 2008 from Mr. Boris Tadić, the President of the Republic of Serbia, addressed to you (see annex).

I would appreciate it if the letter of the President of the Republic of Serbia were communicated to the President of the Security Council and the members of the Council, as it is of significance for the coming meeting of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 86, and of the Security Council.

(*Signed*) Pavle **Jevremović**
Ambassador
Permanent Representative

08-24447 (E) 190208

Annex to the letter dated 17 February 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

Today the Provisional Institutions of Self-Government of our southern province of Kosovo and Metohija, currently under the interim administration of the United Nations, have unilaterally declared independence from the Republic of Serbia, in clear violation of Security Council resolution 1244 (1999).

I ask you to recall that Security Council resolution 1244 (1999) explicitly reaffirms the sovereignty and territorial integrity of the Republic of Serbia, which by a plain reading of its text unambiguously includes Kosovo and Metohija. That resolution further defines the principles by which the issue of Kosovo and Metohija is to be resolved, one of which is defined as "A political process towards the establishment of an *interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the* Rambouillet Accords and *the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia*" (emphasis added). It is thus clear that the future status of Kosovo and Metohija, according to resolution 1244 (1999), can only be reached by an agreement of both sides, and that it must ensure substantial self-government for the province of Kosovo and Metohija within the sovereign framework of the Republic of Serbia, as the sole successor to the Federal Republic of Yugoslavia. Any such solution would, moreover, have to be approved by the Security Council. In the light of the above, it is evident that the secessionist move by the Assembly of Kosovo is an attempt to bypass the Security Council and unilaterally impose a solution, in violation of said resolution.

In the wake of this illegal attempt to establish a fait accompli, the Republic of Serbia has adopted a Decision to abrogate the unilateral secessionist acts and activities of the Provisional Institutions of Self-Government of Kosovo and Metohija and their infringement of the Republic of Serbia's sovereignty and territorial integrity. This Decision is based on a prima facie reading of the Constitution of the Republic of Serbia, the Charter of the United Nations, Security Council resolution 1244 (1999), as well as other Security Council resolutions and other documents of international law. The Decision reads in part, "these acts represent a forceful and unilateral secession of a part of the territory of the Republic of Serbia, and therefore are null and void. These acts do not produce any legal effect either in the Republic of Serbia or in the international legal order. Unilateral secession of a part of the territory of a sovereign State constitutes legal violence against the Republic of Serbia and violence against international law".

The Republic of Serbia reaffirms by this Decision that the Autonomous Province of Kosovo and Metohija is an inalienable part of the integral and indivisible constitutional and legal state framework of the Republic of Serbia, on the basis of the Constitution of the Republic of Serbia and the Charter of the United Nations.

The Republic of Serbia demands that the Special Representative of the Secretary-General take all necessary measures, in accordance with resolution 1244 (1999) and other Security Council decisions, as he has on previous occasions, to abrogate, without delay, all acts and actions by which unilateral independence has been declared, as well as prevent any further violation of said resolution, and all

other Security Council documents, the United Nations Charter, and all other existing norms and regulations of international law. I, therefore, call upon you to ensure that your Special Representative in Kosovo exercises his powers and responsibilities by immediately declaring this illegal act null and void. I also expect him to act pursuant to the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK/REG/2001/9 of 15 May 2001, para. 8.1 b)) and dissolve the Assembly of Kosovo, since its "declaration of independence" is not in conformity with Security Council resolution 1244 (1999).

By the said Decision, the Republic of Serbia also requests that the Security Council declare this unilateral act of the Assembly of Kosovo legally invalid. We insist that the Security Council fully protect the sovereignty and territorial integrity of the Republic of Serbia, as is called for in the United Nations Charter. We also rightfully expect the Security Council to take urgent and effective action to ensure that all provisions of resolution 1244 (1999) are fully respected.

The Republic of Serbia demands that in securing the implementation of its own resolution, the Security Council call for the continuation of the political process leading towards a solution of the issue of Kosovo and Metohija. The Republic of Serbia reiterates its willingness to remain engaged actively and constructively in a new process of negotiations so that an agreement on the future status of Kosovo and Metohija based on the principles laid down in Security Council resolution 1244 (1999) may be reached at the earliest opportunity.

The Republic of Serbia firmly believes that the Security Council will unambiguously reconfirm that the fundamental principles of the Charter of the United Nations and international law have universal validity and that its resolutions must be respected, for only by so doing will the system of international security based on these precepts be preserved. Otherwise, a dangerous precedent allowing the unilateral secession of a breakaway region, province or administrative entity from any State Member of the United Nations would be established.

Finally, the Republic of Serbia demands that all States Members of the United Nations fully respect the sovereignty and territorial integrity of the Republic of Serbia, in accordance with their obligations under international law, the United Nations Charter, and Security Council resolution 1244 (1999), and thereby reject the so-called independence of the Republic of Serbia's southern province of Kosovo and Metohija.

(*Signed*) Boris **Tadić**
President of the Republic of Serbia